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~~CONFIDENTIAL~~

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 12 – 0808 DLJ
)	
Plaintiff,)	STIPULATION AND [] ORDER
)	
v.)	
)	
RESAT OTUS NURI,)	
aka Otus Resat Nuri,)	
aka Resat Nuri Otus,)	
aka Nuri Resat Otus,)	
aka Resat,)	
aka Otus,)	
aka Nuri,)	
)	
Defendant.)	

WHEREAS, the parties are scheduled for a status hearing before this Court on October, 31, 2013;

WHEREAS, defense counsel is currently in trial in the Superior Court of California, County of San Mateo, and is expected to remain in trial until December 6, 2013; counsel for the United States is preparing for jury trial before the Honorable Ronald M. Whyte, set to begin on November 4, 2013, and scheduled to continue through at least December 12, 2013;

1 WHEREAS, counsel has been attempting to transfer possession of computer evidence necessary
2 for proper defense of the case, and continuing to review documents and data in connection with
3 evaluating and analyzing this matter and government is in the process of responding to additional
4 discovery issues raised by the defendant and have discussions regarding a resolution of this matter;

5 WHEREAS, in light of the foregoing, counsel for the parties jointly agree and stipulate that a
6 continuance of this matter is appropriate in order to ensure effective preparation of counsel and
7 continuity of counsel, pursuant to 18 U.S.C. § 3161(h)(7), and that based on their respective calendars
8 and the period needed for the aforementioned discovery matters, an appropriate date for a status hearing
9 is Thursday, December 19, 2013;

10 THEREFORE, the parties mutually and jointly stipulate that the matter be continued until
11 December 19, 2013, and further jointly stipulate and agree that time should be excluded from October
12 31, 2013, up to and including December 19, 2013. The parties agree that excluding time until December
13 19, 2013, is necessary, given the need to maintain continuity of counsel. The parties also agree that
14 failing to grant a continuance would deny counsel for the defense the reasonable time necessary for
15 effective preparation and continuity of counsel, taking into account the exercise of due diligence. See 18
16 U.S.C. § 3161(h)(7). Finally, the parties agree that the ends of justice served by excluding time from
17 October 31, 2013, until December 19, 2013, outweigh the best interest of the public and the defendant in
18 a speedy trial. See 18 U.S.C. § 3161(h)(7).

19 **IT IS SO STIPULATED.**

20 Dated: October 29, 2013

/s/_____
TIMOTHY LUCEY
Assistant United States Attorney

22 Dated: October 29, 2013

/s/_____
JON C. MCDOUGALL
Attorney for Defendant

25 **IT IS SO ORDERED.**

26 DATED: ~~FEBRUARY~~


HON. D. LOWELL JENSEN
United States District Court